

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 2195  
)  
FLOCKHART et al. ) Confirmation No.: 9237  
)  
Serial No.: 10/673,118 ) Examiner: AN, MENG AI T  
)  
Filed: September 26, 2003 ) SUPPLEMENTAL INFORMATION  
) DISCLOSURE STATEMENT  
Atty. File No.: 4366-106 )  
) Electronically Submitted  
For: "METHOD AND APPARATUS )  
FOR LOAD BALANCING WORK )  
ON A NETWORK OF SERVERS )  
BASED ON THE PROBABILITY )  
OF BEING SERVICED WITHIN A )  
SERVICE TIME GOAL" )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-SB08 are being called to the attention of the Examiner.

- ☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with 37 C.F.R. § 1.98(a).

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. § 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications:

Serial No. 10/946,638 filed 09/20/04;

Serial No. 11/069,739 filed 03/01/05; and

Serial No. 11/064,367 filed 02/22/05

☐ Other: \_\_\_\_\_

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

#### FEES

|                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li><li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li><li><input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li><li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li></ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>   |
| <input type="checkbox"/>            | <p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"><li>(1) a final action under 37 C.F.R. 1.113 or</li><li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li><li>(3) an action that otherwise closes prosecution in the application.</li></ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li></ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li></ul> |

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | <p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(e).</p> <p style="padding-left: 40px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)<br/>AND<br/> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </p> |
|--------------------------|---|

**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

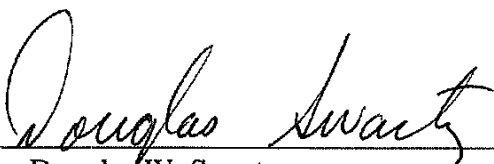
- ☐ The undersigned certifies that:
- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).  
☐ A copy of the communication from the foreign patent office is enclosed.

OR

- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Douglas W. Swartz  
Registration No. 37,739  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: Dec. 14, 2006

Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

## **Complete if Known**

|  |                      |    |               |                        |          |
|--|----------------------|----|---------------|------------------------|----------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> | Application Number   |    | 10/673,118    |                        |          |
|  | Filing Date          |    | 09-26-2003    |                        |          |
|  | First Named Inventor |    | Flockhart     |                        |          |
|  | Art Unit             |    | 2195          |                        |          |
|  | Examiner Name        |    | AN, MENG AI T |                        |          |
| Sheet  | 1                    | of | 7             | Attorney Docket Number | 4366-106 |

## **U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number-kind Code <sup>2 (if known)</sup> | Publication Date<br>MM-DD-YYYY | Name of Patentee of<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
|                    | 1                     | 4,163,124   | 07/31/97                       | Jolissaint   |   |
|                    | 2                     | 4,389,400   | 06/21/83                       | Ho   |   |
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|                    | 4                     | 4,737,983   | 04/12/93                       | Frauenthal et al.                                  |   |
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|                    | 32                    | 5,537,470   | 07/16/96                       | Lee  |   |
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|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

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|                        |               |
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| Application Number     | 10/673,118    |
| Filing Date            | 09-26-2003    |
| First Named Inventor   | Flockhart     |
| Art Unit               | 2195          |
| Examiner Name          | AN, MENG AI T |
| Attorney Docket Number | 4366-106      |

|       |   |    |   |
|-------|---|----|---|
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|  |    |           |           |                    |  |
|--|----|-----------|-----------|--------------------|--|
|  | 35 | 5,546,452 | 08/13/96  | Andrews et al.     |  |
|  | 36 | 5,592,378 | 01/07/97  | Cameron et al.     |  |
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Examiner  
SignatureDate  
Considered

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|     |           |            |                    |  |
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| 105 | 6,185,292 | 02/06/01   | Miloslavsky        |  |
| 106 | 6,215,865 | 4/10/2001  | McCalmont          |  |
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| 108 | 6,229,819 | 05/08/01   | Darland et al.     |  |
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| 110 | 6,233,333 | 05/15/01   | Dezonmo            |  |

Examiner  
SignatureDate  
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|       |   |    |   |
|-------|---|----|---|
| Sheet | 4 | of | 7 |
|-------|---|----|---|

|     |              |            |                    |  |
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| 111 | 6,240,471    | 05/29/01   | Eastwick           |  |
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| 130 | 6,449,356    | 09/10/02   | Dezonno            |  |
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| 133 | 6,463,415    | 10/08/02   | St. John           |  |
| 134 | 6,480,826    | 11/12/02   | Pertrushin         |  |
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| 148 | 2002/0002464 | 01/30/02   | Pertrushin         |  |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
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|  |   |    |   |                          |               |
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| Substitute for form 1449A/PTO                            |   |    |   | <b>Complete if Known</b> |               |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | Application Number       | 10/673,118    |
|  |   |    |   | Filing Date              | 09-26-2003    |
|  |   |    |   | First Named Inventor     | Flockhart     |
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| Sheet  | 5 | of | 7 | Attorney Docket Number   | 4366-106      |

|  |     |              |          |                  |  |
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|  | 155 | 11/064367    |          | Flockhart et al. |  |

| FOREIGN PATENT DOCUMENTS |                       |  |                                |   |   |                |
|--------------------------|-----------------------|--|--------------------------------|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> ; Number <sup>4</sup> ; Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>8</sup> |
|                          | 156                   | CA 2143198   | 01/19/95                       | Telefonaktiebolaget LM Ericsson                 |   |                |
|                          | 157                   | CA 2174762   | 03/07/96                       | Motorola, Inc.                                  |   |                |
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|                          | 159                   | EP 0 740 450 A2  | 10/30/96                       | IBM Corp.                                       |   |                |
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| Examiner Signature |  | Date Considered |  |
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|---|---|----|---|--------------------------|---------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | <b>Complete if Known</b> |               |
|   |   |    |   | Application Number       | 10/673,118    |
|   |   |    |   | Filing Date              | 09-26-2003    |
|   |   |    |   | First Named Inventor     | Flockhart     |
|   |   |    |   | Art Unit                 | 2195          |
|   |   |    |   | Examiner Name            | AN, MENG AI T |
| Sheet   | 6 | of | 7 | Attorney Docket Number   | 4366-106      |

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

## **Complete if Known**

|                        |               |
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| Attorney Docket Number | 4366-106      |

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| Sheet | 7 | of | 7 |
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